

UNITED STATES DISTRICT COURT

for the

District of South Carolina

Tony Smith,

Plaintiff

v.

Michael McCall, Warden; Willis Davis, Deputy
Warden SCDC Lee Correctional Institution,

Defendants

Civil Action No. 1:13-cv-02601-JMC

JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

☐ the plaintiff (*name*) _____ recover from the defendant (*name*) _____ the amount of _____ dollars (\$___), which includes prejudgment interest at the rate of ____ %, plus postjudgment interest at the rate of ____ %, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) _____ recover costs from the plaintiff (*name*) _____.

☒ other: the plaintiff, Tony Smith, shall take nothing of the defendants; Michael McCall and Willie Davis, from the complaint filed pursuant to 42 U.S.C. § 1983 and this action is dismissed without prejudice.

This action was (*check one*):

☐ tried by a jury, the Honorable _____ presiding, and the jury has rendered a verdict.

☐ tried by the Honorable _____ presiding, without a jury and the above decision was reached.

☒ decided by the Honorable J. Michelle Childs, United States District Judge, presiding, adopting the Report and Recommendation set forth by the Honorable Shiva V. Hodges, United States Magistrate Judge, which dismissed the complaint without prejudice.

Date: October 28, 2013

ROBIN L. BLUME, CLERK OF COURT

s/A. Buckingham

Signature of Clerk or Deputy Clerk